

**BEFORE THE IDAHO STATE BOARD OF PROFESSIONAL
COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS**

In the Matter of the License of:

PRESTON LYNN CARBARY,
License No. LCPC-3214,

Respondent.

Case No. COU-2006-2

FINAL ORDER

THIS MATTER came before Jean R. Uranga, the designated Hearing Officer. The State appeared by its attorney of record, Emily Mac Master, Idaho Deputy Attorney General. Respondent, Preston L. Carbary, represented himself in this proceeding. On January 24, 2008, the Hearing Officer submitted her Findings of Fact, Conclusions of Law and Recommended Order, and a Schedule of Review regarding her Recommended Order with the Board.

This matter then came before the Idaho State Board of Professional Counselors and Marriage and Family Therapists (the "Board") at a regularly scheduled meeting on May 5, 2008. After a review of the record in this matter, and good cause appearing therefor, the Board unanimously adopted the following Order.

IT IS HEREBY ORDERED as follows:

1. The Board adopts the Hearing Officer's Findings of Fact and Conclusions of Law, and incorporates the same herein by this reference.
2. That Respondent was convicted in Stevens County, Washington, of three counts of rape in the second degree by a health care provider on May 2, 2007. These criminal acts are particularly egregious based upon the fact that Respondent committed these acts as a health care provider and therefore he constitutes a significant threat to the public. The Respondent's conduct

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constitutes grounds for disciplinary action against his license to practice counseling in the state of Idaho pursuant to Idaho Code Section 54-3407(2) and IDAPA 24.15.01.500. The Board therefore imposes the following disciplinary sanctions upon Respondent.

a. That Respondent's license and all rights of reinstatement shall be revoked.

b. That Respondent shall pay the costs and attorney's fees incurred in the investigation and prosecution of this matter. The State shall, within thirty (30) days from the date of this Order, submit an affidavit reviewing said costs and fees incurred. Respondent may object in writing to said costs and fees within fourteen (14) days from service of the affidavit of said costs and fees. If Respondent objects, the Board shall thereafter determine the amount of costs and fees Respondent shall pay by subsequent order. If Respondent fails to object, Respondent shall pay said amounts as set forth in the Affidavit submitted by the State.

3. This is the Final Order of the Board.

a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (*See*, Idaho Code Section 67-5247(4).)

b. Pursuant to Idaho Code Sections 67-5270 and 57-5272, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

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c. An appeal must be taken within twenty-eight (28) days: (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (*See*, Idaho Code Section 67-5273.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

4. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent and the State's attorney by mailing a copy to them at their addresses as provided.

DATED this 22nd day of May, 2008.

STATE BOARD OF PROFESSIONAL
COUNSELORS AND MARRIAGE AND FAMILY
THERAPISTS

By Roberta Crockett
Roberta Crockett, Chairman

CERTIFICATE OF SERVICE

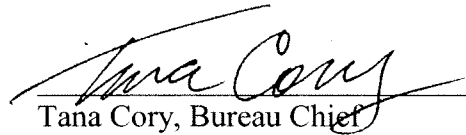
I HEREBY CERTIFY that on the 22nd day of May, 2008, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

Emily Mac Master
Deputy Attorney General
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010
Attorneys for Petitioner

☒ Statehouse Mail
☐ U.S. Mail
☐ Hand Delivered
☐ Fax Transmission

Preston L. Carbary #306102
Airway Heights Correction Center
Unit T A 15U
P.O. Box 2139
Airway Heights, WA 99001
Respondent

☒ Certified Mail
☒ U.S. Mail
☐ Hand Delivered
☐ Fax Transmission


Tana Cory, Bureau Chief

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